

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
82 GLENWOOD AVE LLC,

Plaintiff,

-against-

NOLAN SCHUTZE, et al.,

Defendants.

-----X

PHILIP M. HALPERN, United States District Judge:

ORDER

23-CV-04192 (PMH)

Counsel for all parties appeared by telephone for a pre-motion conference today. For the reasons discussed on the record, the Court denied plaintiff's motion for a temporary restraining order. (Doc. 3).

The Court directed that, by **June 2, 2023**: (1) to the extent possible, defense counsels' applications for *pro hac vice* admission shall be filed; (2) appearances and waivers of service of process shall be filed by all defendants; (3) the parties shall file an order and stipulation memorializing their agreement that defendants' time to answer or file a pre-motion letter is extended to July 28, 2023; and (4) plaintiff shall file a letter setting forth the basis for the assertion that diversity of citizenship exists, stating the citizenship of each of the entities' members.


The Court directed the parties, by **June 9, 2023**, to meet and confer and discuss whether and to what extent the parties can resolve their dispute without further Court intervention, in particular discussing the following topics: (1) where the \$3,000,000 is, to whom it was given, and when; (2) whether this action should remain in the Southern District of New York or whether it should be transferred to another venue; and (3) whether there are any dispute resolution provisions in the parties' agreement. As discussed at the conference, if the parties agree that transfer of venue is warranted, they shall file an order and stipulation by June 9, 2023 setting forth their agreement

concerning the 28 U.S.C. § 1404(a) variables and to change venue to the specific district they believe is proper.

The Clerk of Court is respectfully directed to terminate the motion pending at Doc. 3.

SO ORDERED:

Dated: White Plains, New York
May 30, 2023



Philip M. Halpern
United States District Judge